STATE OF TENNESSEE
107th General Assembly

SENATE REGULAR CALENDAR

Monday, March 19, 2012

Summary of General Bills

Published by the Office of the Chief Clerk

(Asterisked number indicates which bill is printed in your file.)

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1. SB 0893 by *Watson (*HB 0368 by *Dunn, White, Hensley, Faison, Lollar, Evans, McCormick, Shipley, Weaver, Eldridge, Rich, Maggart, Carr, Alexander, Floyd, Miller D, Hill, Holt, Butt, Sparks, Powers, Cobb , Roach, Parkinson)

Teachers, Principals and School Personnel - As introduced, protects a teacher from discipline for teaching scientific subjects in an objective manner. - Amends TCA Title 49, Chapter 6, Part 10.

S. Ed. Comm. 7-1-1, with amendment.

Summary: This bill prohibits the state board of education and any public elementary or secondary school governing authority, director of schools, school system administrator, or principal or administrator from prohibiting any teacher in a public school system of this state from helping students understand, analyze, critique, and review in an objective manner the scientific strengths and scientific weaknesses of existing scientific theories covered in the course being taught, such as evolution and global warming. This bill also requires such persons and entities to endeavor to:

(1) Create an environment within public elementary and secondary schools that encourages students to explore scientific questions, learn about scientific evidence, develop critical thinking skills, and respond appropriately and respectfully to differences of opinion about controversial issues; and

(2) Assist teachers to find effective ways to present the science curriculum as it addresses scientific controversies.

2. *SB 2156 by *Kelsey, Burks (HB 3269 by *White)

Students - As introduced, prohibits promotion of students in the third and eighth grades who do not demonstrate understanding of the curriculum and the ability to perform required grade level skills either through the student's grades or standardized test scores, except under certain circumstances. - Amends TCA Section 49-6-3115.

S. Ed. Comm. 9-0-0, with amendment.

Summary: Under present law, beginning with the 2011-2012 school year, a student in the third grade may not be promoted to the next grade level unless the student has shown a basic understanding of curriculum and ability to perform the skills required in the subject of reading as demonstrated by the student's grades or standardized test results.

This bill revises this provision to instead specify that beginning with the 2012-2013 school year, no student in the third or eighth grade may be promoted to the next grade level unless the student has shown an understanding of the curriculum and the ability to perform the skills required for the current grade level as demonstrated by the student's grades or standardized testing scores.

3. SB 2199 by *Norris, Overbey (*HB 2337 by *McCormick, White, Jones S, Dean, Ford , Williams R, Faison, Maggart, Weaver, Hardaway, Hensley, Turner J, Rich, Montgomery, Marsh, Parkinson, Elam, Dunn, Favors, Brown, Lollar, Richardson, Towns, Shaw, Cooper B)

Children's Services, Dept. of - As introduced, removes the 2012 repeal date for the Tennessee's Transitioning Youth Empowerment Act of 2010. - Amends TCA Section 37-2-417 and Chapter 1065 of the Public Acts of 2010.

S. FW&M Comm. 11-0-0

S. H&W Comm. 8-0-0

4. SB 2208 by *Norris, Gresham (*HB 2346 by *McCormick, Brooks H)

Education - As introduced, revises various provisions governing school accountability and achievement school district. - Amends TCA Title 49, Chapter 1, Part 6 and Title 49, Chapter 13.

S. Ed. Comm. 9-0-0, with amendment.

Summary: This bill rewrites the present law provisions regarding school accountability requirements, removes the present law provisions regarding the inner city educational enhancement pilot project, and revises present law regarding the achievement school district.

SCHOOL ACCOUNTABILITY REQUIREMENTS - PRESENT LAW

Under present law, all public schools and local education agencies must make adequate yearly progress (AYP) in achieving proficiency for all student subgroups in core academic subjects as determined by the state board of education. All public schools and LEAs must have academic growth for each measurable academic subject within each grade greater than or equal to standards for expected academic growth set by the commissioner with the approval of the state board.

If schools or LEAs do not have academic growth equal to or greater than the standards for expected academic growth based upon the Tennessee comprehensive assessment program (TCAP) tests, or tests that measure academic performance that are deemed appropriate, each school and LEA is expected to make statistically significant progress toward that goal. The rate of progress within each grade and academic course necessary to maintain compliance with the performance goals will be established after two years of consecutive testing with tests adopted for each grade and subject. Schools or LEAs that do not achieve the required rate of progress may be placed on probation. Schools or school districts that do not achieve the required rate of progress are referred to as "high priority schools or school districts."

All schools within all LEAs are expected to maintain appropriate levels of school attendance and graduation rates. The 1991-1992 school year is the base year for measuring levels of attendance rates. The 2002-2003 school year is the base year for measuring levels of graduation rates. Schools that do not maintain appropriate levels, as set by the state board on the recommendation of the commissioner, may be placed on probation.

There is a rebuttable presumption that if a school or school district has not achieved the goals or maintained attendance and graduation rates pursuant as described above, then it is out of compliance and subject to probation.

By September 1 of each year, the commissioner must recommend for approval to the state board a listing of all schools and LEAs to be placed in improvement status for failure to make adequate progress. If an LEA is deemed by the commissioner as not carrying out its responsibilities to a school or schools in improvement status for technical or other assistance that may ensure that a school meet or exceed the performance standards, or the standards of fiscal accountability, the LEA may be included in the recommendation to the state board to be placed

in improvement status. Schools and LEAs in improvement status must abide by guidelines established by the commissioner for the purpose of improving student performance.

During the first year a school or LEA is placed in improvement status, the commissioner of education must publicly identify and study all schools or LEAs that are placed in such status.

Present law details the following for schools that do not meet performance standards:

(1) If a school or LEA does not meet the performance standards of the state board by the end of the first year of improvement status, the school or LEA may be placed in the second year of improvement status;

(2) If a school does not meet the performance standards of the state board by the end of the second year of improvement status, the school may be placed in the third year of improvement status;

(3) If the LEA does not meet the performance standards of the state board by the end of the second year in improvement status, it may be placed in the third year of improvement status;

(4) If a school does not meet the performance standards of the state board by the end of the third year in improvement status, the school may be placed in the fourth year of improvement status:

(5) If the LEA does not meet the performance standards of the state board by the end of the third year of improvement status, it may be placed in the fourth year of improvement status (LEA Restructuring 1);

(6) If the school does not meet the performance standards of the state board by the end of the fourth year of improvement status, the school may be placed in the fifth year of improvement status. During such status or at any time a Title I school meets the United States department of education's definition of "persistently lowest achieving schools," the commissioner may: approve an LEA's allocation of financial resources to schools; and approve an LEA's allocation of personnel resources to the schools. The director of each LEA serving such schools must perform the actions that are required of schools in the third year of improvement status and must implement the plan for governance described in present law; and

(7) If the LEA does not meet the performance standards of the state board by the end of the fourth year in improvement status, it may be placed in the fifth year of improvement status. During such status the commissioner may, among other things, assign the LEA, or individual schools within the LEA, to the achievement school district (ASD).

Present law describes in detail corrective measures that the commissioner and director of schools are authorized to make and required to make for each of the status levels referenced above (see TCA Section 49-1-602). Such actions include, for an LEA placed in the fifth year of improvement status, the recommendation by the commissioner that some or all of the local board of education members be replaced. If the state board concurs with the recommendation, the commissioner must order the removal of some or all of the board members or director of schools, or both, and declare a vacancy in the office. Vacancies on the board must be filled by the local legislative body until the next general election for which candidates have time, under law, to qualify. If the entire board of a special school district is removed, the commissioner must appoint three responsible citizens of the district to serve on the board, and they may appoint persons to fill the remaining vacancies. Any director of schools or board member removed as described above is ineligible for appointment or election to the office for the remainder of the person's term and for one full term thereafter. An appeal of the decision to remove a director or board member is appealable to chancery court of Davidson County.

The two school systems having the greatest number of schools placed on notice or probation status may, with the advance approval of the appropriate local legislative body, establish an inner city educational enhancement pilot project. The pilot project consists of after-school programs at all or a significant portion of the LEA's schools placed on notice or probation status. The pilot project may also include before-school, Saturday or summer programs at such schools. Programs and services must be principally provided by qualified volunteers who are retired teachers, university professors, law enforcement officers, armed forces veterans, members of the Urban League or public employees. At the discretion of the appropriate local legislative body, incentive grants may be offered to the volunteers, except that no volunteer may receive incentive grants totaling more than an amount that equals half of the local real property tax previously paid by the volunteer on the person's principal place of residence for the most recently concluded tax year.

SCHOOL ACCOUNTABILITY REQUIREMENTS - THE BILL

This bill rewrites the above provisions. This bill requires the commissioner, by September 1 of each year, to present to the state board for approval annual measurable objectives for achievement and achievement gap closures for the state, LEAs, schools and student subgroups. Each LEA and school will be evaluated based on the combination of overall student achievement data and achievement gap closure targets as set by the state board.

If an LEA achieves both the achievement and achievement gap closure targets set by the state board, it would:

(1) Be identified by the department as an exemplary LEA;
(2) Be permitted to develop and maintain school improvement plans at the LEA level without approval by the department; and
(3) When permissible by law, rule or regulation, be granted increased funding flexibility by the department.

If an LEA misses the achievement target, achievement gap closure target or both, the LEA will, at the discretion of the commissioner, be subject to at least one of the following:

(1) Placement on a public list of LEAs in need of improvement;
(2) Creation of an aggressive plan for corrective action and submission of such plan to the commissioner for approval; and
(3) Preparation and submission of a detailed analysis of its student achievement results to the commissioner, along with a plan to achieve its annual measurable objectives, subject to the approval of the commissioner.

By September 1, 2012, and at least every three years thereafter, based on an evaluation of all schools' achievement data, the commissioner must recommend for approval to the state board a listing of all schools to be placed in priority, focus or reward status pursuant to the rules, regulations and performance standards of the state board. Once approved by the state board, priority, focus and reward schools would be publicly identified by the commissioner.

Schools identified as priority schools would represent the bottom 5 percent of schools in overall achievement as determined by the performance standards and other criteria set by the state board and would be subject to one of the following interventions as determined by the commissioner:

(1) Turnaround through LEA adoption of an identified school improvement grant (SIG) intervention model or other LEA-led school improvement process, subject to approval by the commissioner;
(2) School turnaround under the governance of an LEA Innovation Zone; or
(3) Placement in the achievement school district (ASD).

An LEA with a school identified as a focus school must submit a plan to the commissioner, subject to the commissioner's approval, outlining how the LEA will address the factors leading the school to be placed in focus status.

A reward school would be recognized by the department for outstanding achievement or progress and provided opportunities to serve as strategic partners with the department to raise student achievement levels throughout the state by analyzing and sharing best practices.

An LEA may develop a plan for the creation of an LEA Innovation Zone for the purpose of monitoring, overseeing and improving schools within the LEA that are designated as priority schools and approved for inclusion in the innovation zone by the commissioner. Upon approval of such plan by the commissioner, an LEA Innovation Zone may be established. An LEA creating an LEA Innovation Zone must:

(1) Establish an innovation zone office; appoint a leader for such office; and provide such leader with sufficient management authority to appoint and dismiss staff for the office as well as appoint a leader for each school placed in the innovation zone; and

(2) Allow schools under the governance of the innovation zone office to have maximum autonomy over financial, programmatic and staffing decisions.

ACHIEVEMENT SCHOOL DISTRICTS - PRESENT LAW

Under present law, the commissioner may contract with one or more individuals, governmental entities or nonprofit entities to manage the day-to-day operations of any or all schools or LEAs placed in the achievement school district (ASD), including providing direct services to students. Such person or entity contracted with to manage schools or LEAs that have been placed in the ASD (hereafter referred to as "the managing entity") may apply to the commissioner for a waiver of any state board rule that inhibits or hinders the ability of the school or LEA to achieve the required adequate yearly progress benchmarks. However, the commissioner may not waive rules related to the following:

(1) Federal and state civil rights;
(2) Federal, state and local health and safety;
(3) Federal and state public records;
(4) Immunizations;
(5) Possession of weapons on school grounds;
(6) Background checks and fingerprinting of personnel;
(7) Federal and state special education services;
(8) Student due process;
(9) Parental rights;
(10) Federal and state student assessment and accountability;
(11) Open meetings; and
(12) At least the same equivalent time of instruction as required in regular public schools.

The managing person or entity may determine whether any teacher who was previously assigned to such school will have the option of continuing to teach at that school as an employee of the managing entity.

After a school or LEA that has been placed in the ASD achieves the required adequate yearly progress benchmarks for two consecutive years, the commissioner must develop a transition plan for the purpose of planning the school's or LEA's return to the jurisdiction of the local board of education. Implementation of this plan begins after the school or LEA achieves the required adequate yearly progress benchmarks for three consecutive years. The plan must be fully implemented and the transition must be completed after a school or LEA achieves adequate yearly progress benchmarks for five consecutive years. However, the commissioner may remove any school or LEA from the jurisdiction of the ASD at any time.

Absent other funding, the ASD must use state and local funding identified above to operate a school placed in alternative governance and to implement new initiatives and programs as appropriate. Such state and local funding may be used to implement new initiatives and programs to the extent that any increase in recurring expenditures are funded additionally so as not to create a financial burden on the LEA when the school or LEA is removed from the ASD. To the extent that such state funds are not used to support a school or LEA in the ASD, they must be allocated to a state reserve fund to be distributed to an LEA only upon approval of the commissioner. To the extent that such local funds are not used to support a school or LEA in the ASD, the LEA must allocate such funds to a special BEP reserve account, for use only for nonrecurring purposes, until the school or LEA is placed back under the jurisdiction of the LEA.

Any managing entity must provide timely information to the LEA and director of schools regarding its operation of such schools. The LEA may continue to support the educational improvement of the school under the direction and guidance of the commissioner. In addition, any managing entity may voluntarily work with the LEA in providing to the schools professional development or technical assistance, instructional and administrative support and facilitating any other support that may be beneficial to academic progress of the school.

ACHIEVEMENT SCHOOL DISTRICT - THE BILL

This bill revises present law regarding the ASD as follows:

(1) Specifies that instead of contracting with a managing entity, the commissioner may choose to directly operate the ASD. If the commissioner operates the ASD directly, then the commissioner would have the same powers and duties as the managing entity under present law;

(2) Authorizes the commissioner to assign any school or grade configuration within a school to the ASD at any time such school is designated to be in priority status;

(3) Rewrites the present law provisions described above regarding when a school in the ASD would return to the LEA to instead specify that a school placed in the ASD would remain in the ASD for at least five years. Under this bill, after the school improves student performance for two consecutive years such that the school would no longer be identified as a priority school, the commissioner would develop a transition plan for the purpose of planning the school's return to the LEA. Implementation of this plan would begin after the school achieves the required improvements for three consecutive years. The plan must be fully implemented and the transition must be completed after the school achieves the required improvements for five consecutive years, unless the LEA is identified as an LEA in need of improvement for missing both the achievement and achievement gap targets and the parents of 60 percent of the children enrolled at the school sign a petition in favor of remaining in the ASD. However, the commissioner may remove any school from the jurisdiction of the ASD at any time;

(4) Rewrites the present law provisions described above regarding funding for the ASD to instead specify that the ASD would receive from the department or LEA, an amount equal to the per student state and local funds received by the department or LEA for the students enrolled in the ASD school. ASD schools would also receive all appropriate allocations of federal funds as other LEAs. The ASD may receive donations of money, property or securities from any source for the benefit of the ASD and schools within the ASD. To the extent that any state and local funds allocated to the ASD are not used to support a school or LEA in the ASD, they would be allocated to a state reserve fund to be distributed to the appropriate LEA upon approval of the commissioner and upon the removal of the school from the ASD;

(5) Authorizes the ASD to require any LEA to provide school support or student support services for a school transferred from the LEA's jurisdiction, including student transportation, school food service, alternative schools or student assessment for special education eligibility that are compliant with all laws and regulations governing such services. In such cases, the ASD must reimburse the actual cost to the LEA providing such services;

(6) Requires the commissioner, in conjunction with the ASD superintendent, to establish an annual budget for the ASD based on its mission and to submit such budget directly to the commissioner of finance and administration as a part of the department of education's budget;

(7) Specifies that if it is determined that the ASD will directly operate a school within the ASD, then the employees of the school may be deemed employees of the ASD. Employees of the ASD assigned to a school within the ASD would be a part of the executive service and would be under the exclusive control of the ASD;

(8) Specifies that the ASD would, at a minimum, have the same authority and autonomy afforded to LEAs under state law regarding the procurement of property, goods and services, including personal, professional, consulting, and social services. The ASD must develop written procedures, subject to approval by the commissioner, for the procurement of all goods and services in compliance with the expenditure thresholds for competitive bidding;

(9) Allows the ASD to authorize the preparation and use of publications for the marketing and public education needs of the ASD in order to effectively carry out its mission;

(10) Specifies that for a charter school that enters the ASD, the ASD would remain the chartering authority through the duration of the charter agreement and the school would remain under the authority of the ASD. Upon expiration of the charter agreement, and upon the school meeting the above conditions required in order to leave the ASD, the school would return to the LEA and the terms of the charter agreement may be renewed upon submission of a renewal application by the governing body of the charter school to the LEA; and

(11) Specifies that any contracts to operate schools placed in the ASD would require expenditure reports for funds received and expended pursuant to such contracts. Such reports must be provided to the department of education and comptroller for review.

5. SB 2237 by *Norris, Tracy (*HB 2375 by *McCormick, Keisling)

Safety, Dept. of - As introduced, authorizes department to enter into partnership agreements with nonprofit organizations to promote and support the goals and objectives of the agency. - Amends TCA Title 4, Chapter 3, Part 20.

S. T&S Comm. 9-0-0, with amendment.

Summary: This bill authorizes the department of safety and homeland security to enter into partnership agreements with nonprofit organizations for the purpose of promoting and supporting the goals and objectives of the agency. In order for a nonprofit organization to qualify as a nonprofit partner to the department, the nonprofit agency must meet all of the following criteria:

(1) The nonprofit partner's board of directors must be elected by a process approved by the governor or the governor's designee;
(2) The nonprofit partner must be incorporated under the laws of Tennessee, and approved as a 501(c)(3) organization;
(3) The nonprofit partner must annually submit a detailed report of their operation and accomplishments to the governor and the speakers of each chamber of the general assembly; and
(4) The annual reports and all books of accounts and financial records of all funds received by grant, contract or otherwise from government sources will be subject to audit annually by the comptroller of the treasury at the cost of the nonprofit partner.

Present law authorizes TWRA to sell advertising in its publications. This bill requires that all full board meetings of a nonprofit organization concerning activities authorized by "Section 2" of this bill or pursuant to the present law authorizing TWRA to sell advertising in its publications to be open to the public, except for executive sessions that include, but are not limited to, any of the following matters: litigation; audits or investigations; human resource issues; gift acceptance deliberations; board training; governance; donor strategy sessions; and security measures.

NOTE: Section 2 of this bill is a severability clause.

6. SB 2243 by *Norris, Faulk (*HB 2381 by *McCormick, Johnson P)
Transportation, Dept. of - As introduced, authorizes department to enter into a negotiated contract with a financial institution for the purpose of stabilizing the net expense of the department for the purchase of gasoline, diesel or other fuels, or the net expense of price adjustments made for fuel, bituminous materials or other materials in the department's construction contracts. - Amends TCA Title 4, Chapter 3, Part 23.

S. FW&M Comm. 11-0-0, with amendment.

S. T&S Comm. 9-0-0

Summary: ON MARCH 1, 2012, THE HOUSE ADOPTED AMENDMENTS #1 AND #2 AND PASSED HOUSE BILL 2381, AS AMENDED.

AMENDMENT #1 rewrites the bill to authorize the commissioner of transportation, with the approval of the state funding board, to enter into contracts with financial institutions to stabilize the net expense of the department of transportation in:

(1) The purchase of gasoline, diesel, or other fuels for the department's own use; or
(2) In paying for items of work in its highway construction contracts that allow for price adjustments based on changes in the cost of fuel, bituminous materials, or other materials.

The contracts entered into under this amendment may include, without limitation, financial instruments commonly referred to as hedges, futures, options, swap transactions, or any similar financial instrument for cost stabilization. The contracts authorized by this amendment may be procured in such manner and executed in such form as approved by the state funding board, and would not be subject to present law regarding contracts for state services. When entering into any contract under this amendment, the written contract must provide that the rights and remedies of the parties thereto would be governed by the laws of Tennessee or the laws of such other state or nation as may bear a reasonable relationship to the transaction, except that any suit, action, or proceeding at law or in equity against the state must be brought solely in any court of competent jurisdiction in Davidson County, Tennessee.

AMENDMENT #2 corrects a typographical error.

7. SB 2250 by *Norris, Kyle, Finney L (*HB 2388 by *McCormick, Rich, Moore)
Sentencing - As introduced, increases the punishment for unlawful possession of firearm by person with previous felony conviction. - Amends TCA Title 39 and Title 40.

S. FW&M Comm. 11-0-0

S. Jud Comm. 9-0-0

Summary: Under present law, a person commits a Class E felony who possesses a firearm and:

(1) Has been convicted of a felony involving the use or attempted use of force, violence or a deadly weapon; or
(2) Has been convicted of a felony drug offense.

This bill increases the penalties for the above offenses. Under this bill, a person who possesses a firearm and meets the condition listed in (1) commits a Class C felony and a person who possesses a firearm and meets the condition listed in (2) commits a Class D felony.

8. SB 2252 by *Norris, Kyle, Finney L (*HB 2390 by *McCormick, Rich, Moore)
Sentencing - As introduced, establishes enhanced punishment for crimes of force or violence committed while acting in concert with two or more other persons. - Amends TCA Title 39 and Title 40.

S. FW&M Comm. 11-0-0

S. Jud Comm. 6-0-1, with amendment.

Summary: This bill specifies that any crime of aggravated assault, robbery, or aggravated burglary that is committed by a person who is acting in concert with two or more other persons would be classified one classification higher than if the crime was committed alone, if the victim of the crime knows or reasonably should know that at least three people participated in the commission of the crime. The indictment must charge that the offense was committed while acting in concert with two or more other persons. With regard to the crime of aggravated assault, this bill would only apply to such crimes in which a person:

(1) Intentionally or knowingly commits an assault and causes serious bodily injury to another, uses or displays a deadly weapon, or attempts or intends to cause bodily injury to another by strangulation; or
(2) Recklessly commits an assault and causes serious bodily injury to another or uses or displays a deadly weapon.

Under present law, aggravated assault as described above in (1) is a Class C felony, aggravated assault as described above in (2) is a Class D felony, robbery is a Class C felony, and aggravated robbery is a Class B felony. Therefore, in those cases in which this bill applies, aggravated assault as described above in (1) would be a Class B felony, aggravated assault as described above in (2) would be a Class C felony, robbery would be a Class B felony, and aggravated robbery would be a Class A felony.

9. *SB 2416 by *McNally (HB 2568 by *Dunn)
Hospitals and Health Care Facilities - As introduced, requires the board for licensing health care facilities to establish a protocol by rule for hospitals,

community health centers and clinics to report drug overdoses by January 1, 2013. - Amends TCA Title 63 and Title 68.

S. H&W Comm. 7-0-0, with amendment.

10. SB 2422 by *McNally (*HB 2406 by *Ragan)

Taxes, Franchise - As introduced, caps the amount of penalties to .5 percent for franchise, excise filing date extensions; requires certain taxpayers to make a 90 percent tax payment as a condition to receiving an extension. - Amends TCA Section 67-1-804 and Section 67-4-2015.

S. FW&M Comm. 11-0-0, with amendment.

S. Tax Sub Committee of F,W&M. 5-0-0

Summary: This bill revises the requirements for receiving an extension to file the franchise and excise tax return and caps the penalties for failing to comply with such an extension.

Under present law, a person who properly requests for an extension of time to file the franchise and excise tax return must be granted an extension of six months as long as, by the original due date of the return, the taxpayer has paid 90 percent of the taxpayer's franchise and excise taxes. Where the taxpayer does not pay 90 percent of the taxpayer's franchise and excise taxes by the original due date as required or if the return is not filed by the extended due date, then the taxpayer must pay a penalty, as well as interest on the amount of unpaid taxes, as though no extension had been granted. Generally, the amount of the penalty is 5 percent of the unpaid taxes for each 30 days or fraction thereof that the tax remains unpaid subsequent to the delinquency date, up to a maximum of 25 percent of the unpaid amount.

This bill specifies that a taxpayer would only be required to have paid 90 percent of the taxpayer's franchise and excise taxes by the original due date in order to be granted a six month extension, as described above, if the taxpayer has a combined franchise and excise tax liability of at least $10,000. If a person owes less than $10,000 in franchise and excise taxes, then all the person has to do to receive such an extension would be to properly request for it. This bill specifies that the amount of the penalty described above may not exceed 0.5 percent for each month of underpayment or part thereof.

ON MARCH 5, 2012, THE HOUSE ADOPTED AMENDMENT #1 AND PASSED HOUSE BILL 2406, AS AMENDED.

AMENDMENT #1 removes the provision of the bill that would have capped the penalty and rewrites the provisions regarding extension of time to file. Under this amendment, an extension of time of six months in which to file the franchise and excise tax return will be granted if, on or before the original due date of the return, the extension request is made and the taxpayer has paid franchise and excise taxes equal to at least the lesser of:

(1) 90 percent of the liability for the tax year for which the extension is being requested; or

(2) 100 percent of the tax shown due on the tax return for the preceding tax year, annualized if the preceding tax year was for less than 12 months; provided, however, if there was no liability for the preceding tax year, the amount paid must equal the minimum tax amount provided in present law.

A taxpayer electing to compute its net worth on a consolidated basis shall make its franchise, excise tax extension request and compute the payment thereon taking into consideration that its net worth will be computed on a consolidated basis. Where the taxes paid on or before the original due date of the return do not equal the amount provided above, or if the return is not filed by the extended due date, penalty and interest as provided by present law will attach as though no extension had been granted.

11. *SB 2563 by *Ketron (HB 3039 by *Haynes)

Alcoholic Beverages - As introduced, allows restaurant to have minimum of 40 seats instead of 75 seats for purpose of selling alcoholic beverages; clarifies that limited service restaurant may sell more than 50 percent food and still qualify for license. - Amends TCA Title 57, Chapter 4.

S. FW&M Comm. 7-2-2

S. S&L Govt. Comm. 7-2-0, with amendment.

Summary: This bill, as described below, allows restaurants to have a minimum seating capacity of 40 seats instead of 75 seats for the purpose of selling alcoholic beverages, specifies that a limited service restaurant may sell more than 50 percent food and still qualify for limited service restaurant license, and revises the privilege taxes of such restaurants and limited service restaurants in light of the previous revisions.

Under present law regarding the sale of alcoholic beverages for consumption on the premises, in order for an establishment to be considered a "limited service restaurant," the establishment must meet various requirements and conditions, including the condition that the gross revenue from the sale of prepared food in the establishment is 50 percent or less. This bill revises this condition regarding prepared food to instead specify that the gross revenue from the sale of prepared food must be 50 percent or less than the gross revenue from the sale of alcoholic beverages and beer, except that gross revenue of more than 50 percent from the sale of prepared food would not prevent a facility from receiving a limited service restaurant license or subject such facility to a fine from the commission for having gross revenue of more than 50 percent from the sale of prepared food.

Generally, under present law regarding the sale of alcoholic beverages for consumption on the premises, a "restaurant" is any public place, without sleeping accommodations, where meals are regularly served and where there is adequate and sanitary kitchen and dining room equipment and a seating capacity of at least 75 people at tables. This bill decreases the required seating capacity for an establishment to be a "restaurant" from "75 people" to "40 people."

Present law levies privilege taxes on certain persons who engage in the business of selling alcoholic beverages for consumption on the premises in this state and requires that such taxes be earmarked for and allocated to the alcoholic beverage commission for the purpose of administration and enforcement of the duties, powers, and functions of the commission. Such taxes include the following:

(1) For a restaurant on licensed premises, there is levied a tax of:

(A) $750 if the restaurant's seating capacity is between 75 and 125 seats;
(B) $925 if the restaurant's seating capacity is between 126 and 175 seats;
(C) $975 if the restaurant's seating capacity is between 176 and 225 seats;
(D) $1100 if the restaurant's seating capacity is between 226 and 275 seats; and
(E) $1200 if the restaurant's seating capacity is at least 276 seats; and

(2) For a limited service restaurant, there is levied a tax of:
(A) $2,000 if the gross sales of prepared food is at least 30 percent but not more than 50 percent of gross sales;
(B) $3,000 if the gross sales of prepared food is at least 20 percent but not more than 30 percent of gross sales; and
(C) $4,000 if the gross sales of prepared food is at least 15 percent but not more than 20 percent of gross sales.

This bill revises the privilege tax for restaurants on licensed premises described above in (1) to add a tax of $650 if the restaurant's seating capacity is between 40 and 75 seats. This bill revises the tax described above in (2)(A) to specify that the tax would be $2,000 "if the gross sales of prepared food is at least 30 percent," instead of "if the gross sales of prepared food is at least 30 percent but not more than 50 percent of gross sales."

12. SB 2587 by *Yager (*HB 2724 by *Ramsey)

Drugs, Prescription - As introduced, revises the list of prescribed medication for patients at a pain management clinic. - Amends TCA Title 63, Chapter 1.

S. H&W Comm. 8-0-0, with amendment.

Summary: The present law provisions governing pain management clinics defines such a clinic as a privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than 90 days in a 12-month period.

This bill revises the types of drugs referenced above in the definition of "pain management clinic" to remove the exclusion of suboxone; therefore, under this bill, a pain management clinic could prescribe or dispense such drug.

13. SB 2646 by *Yager (*HB 2229 by *Hurley, Pody, Williams R, Sexton, Wirgau, Powers, Ragan, Hall, White, Hardaway)

Education - As introduced, requires high schools to forward vaccination records to higher education institution on behalf of dual enrollment student upon request of the student's parent or guardian; authorizes commissioner of education to promulgate rules to implement this act. - Amends TCA Title 49 and Title 68, Chapter 5.

S. Ed. Comm. 9-0-0, with amendment.

Summary: ON FEBRUARY 23, 2012, THE HOUSE ADOPTED AMENDMENT #1 AND PASSED HOUSE BILL 2229, AS AMENDED.

AMENDMENT #1 authorizes the "state board of education," instead of the "commissioner of education" to promulgate rules and regulations to effectuate the purposes of the bill.

14. *SB 2714 by *Ketron (HB 2915 by *Curtiss)

Consumer Protection - As introduced, requires certain roofing contractors and agents to make certain disclosures to solicited persons where an insurance claim has been made or is anticipated for the provision of roofing goods or services. - Amends TCA Title 47; Title 56 and Title 62.

S. C,L&A Comm. 9-0-0, with amendment.

Summary: This bill requires a roofing contractor or agent contacting any person or policyholder in this state for the purpose of soliciting roofing goods or services where an insurance claim has been made or is anticipated to disclose the following information to the solicited person or policyholder:

(1) Whether or not the roofing contractor is a nonresident contractor;
(2) The numbers of all contractor licenses or registrations that the roofing contractor holds in this state and other states; and
(3) The name and address of any other person or entity on behalf of whom the soliciting roofing contractor or agent is acting.

The disclosures must be made both orally and in writing, which may include electronic solicitations. The roofing contractor on behalf of whom the solicitation is made must maintain records documenting that the disclosures were made and retain that record for a period of two years from the date of first contact with the solicited person or policyholder.

This bill requires a roofing contractor or agent that prepares a repair estimate for roofing goods or services where an insurance claim has been made or is anticipated to disclose the following information to the solicited person or policyholder:

(1) A precise description and location of all damage claimed or included on the repair estimate;
(2) Documentation, available for inspection at any time, to support the damage claimed or included on the estimate, including but not limited to photos, digital images, or other media that is clearly labeled indicating slope or area on the dwelling;
(3) A detailed description and itemization of any emergency repairs already completed;
(4) If damaged areas are not included on the repair estimate, a specification of those areas and any reason for their exclusion from the repair estimate;
(5) Whether or not the property was inspected prior to the preparation of the estimate and the nature of that inspection, specifically if the roof was physically accessed or not; and
(6) That there are no assurances that the claimed loss will be covered by an insurance policy.

The disclosures must be made in writing; included on the repair estimate; signed and dated by the solicited person or policyholder; and provided along with any submission to an insurance company as part of a claim for damages, including any subsequent or supplemental claim for additional damage that is submitted or prepared for submission to an insurer.

This bill requires that any contract for roofing repairs contain the following:

(1) An itemized estimate of repair costs and including the cost of raw materials, the hourly labor rate and the number of hours for each item of repair or a unit cost basis; and
(2) A disclosure that the solicited person or policyholder is responsible for payment for any work performed if the insurer denies payment or coverage on any part of the loss.

Under this bill, before entering into a contract for roofing goods or services with a solicited person or policyholder, the roofing contractor or agent must furnish the solicited person or policyholder with: a notice regarding the person's right to cancel within three business days after the person is notified that the insurance company has, in whole or part, denied your claim to pay for the goods or services to be provided; and a fully completed notice of cancellation form. The cancellation form must be attached to the roofing contract and easily detachable.

A solicited person or policyholder who has entered into a written contract with a roofing contractor or agent to provide roofing goods or services, to be paid by the solicited person or policyholder from the proceeds of a property or casualty insurance policy, may cancel the contract within 72 hours after the solicited person or policyholder receives written notice from the insurance company that the claim has been denied, in whole or in part. Cancellation of the contract is evidenced by the solicited person or policyholder giving written notice of cancellation to the roofing contractor at the address stated in the contract. Notice of roofing contract cancellation if given by mail is effective upon deposit in a mailbox, properly addressed to the roofing contractor and postage prepaid and need not take a particular form and is sufficient if it indicates by any form of written expression the intention of the solicited person or policyholder not to be bound by the contract.

In circumstances in which payment may be made from the proceeds of a property and casualty insurance policy, no roofing contractor or agent may require any payments from a solicited person or policyholder until the roofing contract cancellation period has expired. Within 10 days after a roofing contract has been canceled, the roofing contractor or agent must tender to the solicited person or policyholder any payments made by the solicited person or policyholder and any note or other evidence of indebtedness. However, if the roofing contractor has performed and the solicited person or policyholder previously expressly agreed to any emergency services, then the roofing contractor is entitled to reasonable compensation for such services as long as the solicited person or policyholder has received a detailed description and itemization of charges for those services. No provision in the roofing contract requiring payment of any fee for anything except emergency services will be enforceable against any solicited person or policyholder that has canceled a roofing contract.

A violation of this bill constitutes a violation of the Consumer Protection Act, which is a Class B misdemeanor. Under the Act, an aggrieved party may recover damages, including treble

damages if the violation was willful or knowing. In addition to those penalties for a violation of the Consumer Protection Act, a violation of this bill would subject a roofing contractor or agent to the following, as applicable:

(1) A $25,000 civil penalty under the provisions governing violations by residential contractors;
(2) Revocation or suspension of license; and
(3) A Class A misdemeanor, as described in TCA Section 62-6-120, which regulates engaging in contracting without a license and accepting a bid in excess of $25,000 from a person who is not licensed. Section 62-6-120 also provides for a fine of up to $5,000 against any person or firm that violates the terms and conditions of an existing license to engage in contracting or against any person or firm that engages in unlicensed contracting.

15. SB 2807 by *Tracy (*HB 3007 by *Johnson P, Forgety, Harmon, Dean, Tidwell, Hill, Hawk, Ford , Cobb , McDonald, Ramsey, Bass, Shipley, Camper, Weaver, Stewart, Eldridge)

Highways, Roads and Bridges - As introduced, revises structure and operation of certain county highway departments. - Amends TCA Title 54, Chapter 7.

S. T&S Comm. 9-0-0, with amendment.

Summary: This bill makes various changes to the Tennessee County Uniform Highway Law (the Law), as discussed below.

APPLICATION OF LAW

Under present law, the Law applies to all counties except Rutherford, Hamilton, Knox, Davidson and Shelby (counties with populations in excess of 200,000). This bill specifies that the Law would additionally not apply to counties with a charter or metropolitan form of government. Currently, Davidson County, Trousdale and Moore counties have metropolitan forms of government and Knox and Shelby counties have a charter form of government. This bill also specifies that the Law would apply to any of the counties exempted from the Law as described above if the charter of such county provides for the application of the Law.

CHIEF ADMINISTRATIVE OFFICER OF THE HIGHWAY DEPARTMENT

Under present law, the highway officials certification board reviews the qualifications of all candidates for both elected and appointed positions as chief administrative officer of the county or metropolitan government departments that build and maintain the roads of the county. This bill clarifies that such departments that build and maintain county roads are the "highway departments." This bill also revises the qualification for such officers and revises other provisions relating to such officers, as discussed below, and makes all of these provisions regarding the board applicable in all counties to which the Law applies (under present law, the provisions do not apply in certain counties with certain populations).

Under present law, after review of the qualifications and the standards required for that county, the board certifies to the coordinator of elections, who forwards the certification to the appropriate county election commission, that a candidate's qualifications are acceptable prior to the candidate's name being placed on the ballot. A certificate of qualification from the board must be filed with the candidate's qualifying petition prior to the qualifying deadline.

This bill adds that votes for write-in candidates, whether in a primary or general election, will only be counted for an individual who has been certified by the board prior to the date of the election. Persons wishing to receive a party nomination or to be elected by write-in ballot must file with the board affidavits and other evidence the board requires not later than 64 days prior to the election.

Present law provides that candidates in the counties where the position is appointed must also file evidence satisfactorily demonstrating that they meet the qualifications to hold the office with

the board prior to appointment to the office. This bill specifies that this must be done prior to appointment to the office.

Generally, present law establishes the qualifications for the chief administrative officer, such as experience and education qualifications. However, throughout the years, these qualifications have been amended in such a way that some qualifications apply in certain counties, while other qualifications apply in other counties. This bill rewrites the present law listing of qualifications to be as follows, which will apply in all counties that are subject to the Law:

(1) Be a graduate of an accredited school of engineering, with at least two years of experience in highway construction or maintenance;
(2) Be licensed to practice engineering in Tennessee; or
(3) Have had at least four years' experience in a supervisory capacity in highway construction or maintenance; or a combination of education and experience equivalent to (1) or (2), as evidenced by affidavits filed with the board.

Under this bill, the chief administrative officer may not have less than a high school education or a general equivalency diploma (GED). A county may, by private act, require more stringent qualifications and standards than those set forth in this bill for persons to qualify for the office of the chief administrative officer of such highway department.

This bill specifies incumbent chief administrative officers in office on December 31, 2011, who have met the qualifications for the office of chief administrative officer applicable to them in effect at the time of their last election will be able to succeed themselves in office without meeting the qualifications set forth in this bill for as long as such incumbents continuously hold office. If such incumbent leaves office for any reason and then subsequently is elected or appointed to the office of chief administrative officer, such incumbent will then be subject to the qualifications set forth in this bill.

Generally, present law establishes the term of office for the chief administrative officer at four years; however, various amendments to that present law provision have made it inapplicable in certain counties. This bill removes all exemptions to the four-year term provision, so that the term of office for the chief administrative officer will be the same in all counties that are subject to the Law.

OFFICER'S DUTIES

Under present law, the chief administrative officer, except in those counties with elected road commissioners or county councils wherein the general control and authority provided by this provision remain as provided by private or general act, is the head of the county highway department and has general control over the location, relocation, construction, reconstruction, repair and maintenance of the county road systems of the county, including roads designated as county roads, and including bridges and ferries, but not including roads and bridges under the supervision of the department of transportation; however, the county road system does not include roads designated as county roads in certain counties.

This bill revises the above provisions to remove any exemption from it thereby clarifying the following: the chief administrative officer is the head of the highway department and has general control over the location, relocation, construction, reconstruction, repair and maintenance of the county road systems of the county, including roads designated as county roads. County road systems include bridges and ferries, with the exception of roads and bridges under the supervision of the department of transportation or a municipality.

OBSTRUCTION OF ROADS, BRIDGES AND DITCHES (SEE NOTE AT END OF SUMMARY)

Under present law, the chief administrative officer is authorized to remove or cause to be removed any fence, gate, or other obstruction from the roads, bridges and ditches of the county and to clean out and clear all fences and ditches along or adjacent to the county roads. Any person who places or maintains an obstacle or obstruction upon the right-of-way of any county road and refuses to remove the obstacle or obstruction upon direction of the chief administrative officer to do so commits a Class C misdemeanor. Also, it is a Class C misdemeanor to place or

cause to be placed any obstruction upon the right-of-way or in the ditches along any county road except that transmission lines, telephone or telegraph lines or poles may be placed on and along the right-of-way of any county road under the direction and with the permission of the chief administrative officer.

This bill adds that any person who injures or damages a bridge, highway, highway facility, highway structure or right-of-way commits a Class C misdemeanor. Any such person will also be liable in a civil action for the cost of such injury or damage.

This bill specifies that all of the above provisions apply to all counties in this state, regardless of whether they are subject to the Law.

MISCELLANEOUS

This bill increases the term of office for members of the highway officials certification board from two to four years.

This bill removes references to counties with road commissioners or county councils being governed by private or general act instead of by the Law.

This bill clarifies that the chief administrative officer must prepare, instead of "have prepared" an annual work program to be financed under the state-aid highway system program.

This bill specifies that the provisions in the Law regarding purchases by or for a county road department or by a chief administrative officer apply uniformly to all counties that are subject to the Law by removing certain exceptions written into present law.

Under present law, a chief administrative officer of a highway department of a county containing and physically divided by a United States government corps of engineers dam and reservoir project of 34,000 acres, or more, may sell to, or purchase from, any adjoining county, at actual cost any road products for use on the public roads, and may contract with any adjoining county to maintain roads, or a portion of the roads, under the chief administrative officer's jurisdiction. This bill removes this provision.

NOTE: This bill amends TCA 57-4-201 regarding obstruction of and damage to ditches, bridges, highways, highway structures and similar other structures. It should be noted that various provisions of present law cover similar topics and some have different penalties for such similar conduct. See, for example, TCA Section 54-1-134, under which it is a Class A misdemeanor to knowingly carve upon, write, paint or otherwise mark upon, or in any manner destroy, mutilate, deface, mar, steal or remove any highway bridge, overpass, tunnel, fence, wall, traffic control device, sign or other public highway structure or building. This provision is very similar to the provision added by this bill and has a different penalty. See also TCA 39-17-108 regarding tampering with construction signs and barricades; and TCA Section 39-17-307 regarding obstructing a highway or other passageway.

ON MARCH 15, 2012, THE HOUSE ADOPTED AMENDMENT #1 AND PASSED HOUSE BILL 3007, AS AMENDED.

AMENDMENT #1 adds that in any county that has established by private act more stringent qualifications and standards than those in this bill and that has an appointed chief administrative officer, candidates must submit evidence of their qualifications to the local appointing authority and will not be required to submit evidence of their qualifications to the board. Any county that establishes more stringent qualifications and standards by private act must send a copy of such private act to the board.

This amendment provides that incumbent chief administrative officers in office on December 31, 2012, instead of December 31, 2011, who have met the qualifications for the office of chief administrative officer applicable to them in effect at the time of their last election shall be able to succeed themselves in office without meeting the qualifications set forth in this section for as long as such incumbents continuously hold office. This amendment also changes this bill's effective date from upon becoming law to January 1, 2013.

16. SB 2839 by *Tracy (*HB 3023 by *Dean)

Motor Vehicles - As introduced, increases from three to five days wherein the police, or a towing firm with possession of vehicles in the custody of police, must verify ownership of abandoned, immobile or unattended motor vehicles and notify the last registered owner. - Amends TCA Title 55, Chapter 16, Part 1.

S. T&S Comm. 9-0-0, with amendment.

17. *SB 2866 by *Berke (HB 3108 by *Naifeh)

Education - As introduced, authorizes designees of the comptroller of the treasury, the secretary of state and the state treasurer to serve on THEC. - Amends TCA Title 49.

S. Ed. Comm. 8-0-0, with amendment.

18. SB 2978 by *Burks (*HB 2288 by *Sexton)

Special License Plates - As introduced, authorizes each type of new specialty earmarked plates to be personalized so long as no duplicate registration numbers are issued to the same type of plate classification. - Amends TCA Title 55, Chapter 4.

S. T&S Comm. 9-0-0, with amendment.

19. SB 3122 by *Gresham, Burks, Tate, Berke, McNally, Tracy, Ramsey, Ketron, Summerville, Yager, Crowe, Massey (*HB 2932 by *Hensley)

Education - As introduced, allows teachers to remove disruptive students from class pursuant to local board policies. - Amends TCA Title 49.

S. Ed. Comm. 9-0-0, with amendment.

Summary: This bill requires each LEA to adopt a complete policy regarding a teacher's ability to remove a disruptive student from the classroom. The policy must:

(1) Require a teacher to file a brief report with the principal detailing the behavior of the removed student;

(2) Prohibit a principal from returning a student to the classroom where such student was removed on the day of the removal without the teacher's consent; and

(3) Following three documented removals, the principal may not return a student to the classroom where such student was removed without the teacher's consent. If the principal or the principal's designee recommends returning a student to the classroom following the three removals and the teacher does not consent, the director of schools must review the record and determine the appropriate action.

This bill authorizes each teacher, consistent with the LEA's policies, to manage the teacher's classroom, discipline students and refer a student to the principal to maintain discipline in the classroom. The principal must respond when a teacher refers a student by employing appropriate discipline management techniques that are consistent with LEA policy and the LEA student code of conduct.

This bill requires principals to do the following:

(1) Fully support the authority of every teacher in the principal's school to remove a student from the classroom under this bill; and

(2) Implement the policies and procedures of the LEA relating to the authority of every teacher to remove a student from the classroom and disseminate such policies and procedures to the students, faculty, staff, and parents or guardian of students.

20. *SB 3411 by *Beavers (HB 3733 by *Pody)

Campaigns and Campaign Finance - As introduced, allows audits of members of the general assembly to begin once session ends instead of June if session ends earlier than June. - Amends TCA Title 2, Chapter 10 and Title 4, Chapter 55.

S. S&L Govt. Comm. 9-0-0, with amendment.

21. *SB 2341 by *Bell (HB 2518 by *Cobb , Shipley, Rich)

Sunset Laws - As introduced, extends the air pollution control board, June 30, 2012. - Amends TCA Title 4, Chapter 29 and Title 68, Chapter 201, Part 1.

S. Govt. Ops. Comm. 8-0-0, with amendment.

22. *SB 2717 by *Ketron (HB 2976 by *Matheny)

Gas, Petroleum Products, Volatile Oils - As introduced, defines "natural gas equipment" and "natural gas provider"; creates limited tort liability for natural gas providers if the cause of the injury or damages was from an undiscoverable alteration, modification or repair by the natural gas provider or an unforeseen use of the natural gas equipment. - Amends TCA Title 29, Chapter 34, Part 2.

S. Jud Comm. 7-0-1, with amendment.

Summary: This bill specifies that a natural gas provider who supplies, handles, transports, or sells compressed or liquefied natural gas intended for use with properly constructed, inspected, and certified vehicle fuel systems in this state would be immune from civil liability, if the proximate cause of the injury or damages was caused by:

(1) An alteration, modification or repair of gas equipment that could not have been discovered by the natural gas provider in the exercise of reasonable care; or

(2) The use of natural gas equipment in a manner or for a purpose other than that for which the natural gas equipment was intended to be used or could reasonably have been foreseen, as long as the natural gas provider or the manufacturer of the natural gas equipment has taken reasonable steps to warn the ultimate consumer of the hazards associated with foreseeable misuses of the equipment.

This bill prohibits any defendant from alleging or proving that a person or entity caused or contributed to causing a plaintiff's injuries, death, or other losses, unless the plaintiff could have maintained an action against the person.

This bill would not affect, modify, or eliminate the liability of a manufacturer of natural gas equipment or its employees under any legal claim.

ON MARCH 15, 2012, THE SENATE ADOPTED AMENDMENT #1 AND RESET SENATE BILL 2717, AS AMENDED.

AMENDMENT #1 specifies that this bill will only apply if the damages were caused by actions of an ultimate consumer by engaging in the activity described in either (1) or (2) of the Bill Summary. This amendment also clarifies that this bill will apply only to liability resulting from retail operations at the point of sale only.

23. *SB 2788 by *Kelsey (HB 3141 by *Gotto, Watson)

Public Officials - As introduced, provides that a public official receives an unauthorized benefit for purposes of the criminal offense of official misconduct if the official purchases real property knowing that the property may later be purchased by a governmental entity. - Amends TCA Section 39-16-402.

S. Jud Comm. 7-0-1, with amendment.

Summary: Under present law, a public servant commits a Class E felony who, with intent to obtain a benefit or to harm another, intentionally or knowingly receives any benefit not otherwise authorized by law.

This bill specifies, for purposes of the above-described offense, that a public servant receives a benefit not otherwise authorized by law if the public servant:

(1) Purchases real property or otherwise obtains an option to purchase real property if the public servant knows that such real property may be purchased by a governmental entity and such information is not public knowledge; or

(2) Under color of office or employment, communicates, directly or indirectly with the executive officer of the governmental entity concerning the purchase of real property described in (1), or communicates, directly or indirectly, with a person designated by such executive officer or by the charter or governing document of the governmental entity as the person authorized to make the decision that a governmental entity purchase real property described in (1) that the public servant owns or owns an option to purchase.

This bill specifies that ouster provisions will be instituted upon a conviction of (1) or (2). In addition, any person convicted of such offense would forever afterwards be disqualified from holding any office under the laws or constitution of this state.

24. SB 3645 by *Watson, Ramsey, Ketron (*HB 3281 by *Maggart)

Campaigns and Campaign Finance - As introduced, removes prohibition on insurance companies making campaign contributions; removes PAC aggregate limitation on candidates; deletes report requirement on certain large contributions made within 10 days of election. - Amends TCA Title 2, Chapter 10 and Title 56, Chapter 3.

S. S&L Govt. Comm. 6-3-0

25. *HJR 0202 by *Keisling, Hawk, Williams K, McDonald

Memorials, Congress - Expresses support for continued federal funding of Erwin and Dale Hollow National Fish Hatcheries. -

S. E&E Comm. 6-0-1